

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**LEAGUE OF UNITED LATIN
AMERICAN CITIZENS - RICHMOND
REGION COUNCIL 4614, ELIUD
BONILLA, LUCIANIA FREEMAN, and
ABBY JO GEARHART,**

Plaintiffs,

**Civil Action No. 1:18-cv-00423
(LO/IDD)**

V.

**PUBLIC INTEREST LEGAL
FOUNDATION
and J. CHRISTIAN ADAMS,**

Defendants.

DEFENDANTS' FED. R. CIV. P. 26(a)(3) DISCLOSURES

Defendants, Public Interest Legal Foundation (“PILF”) and J. Christian Adams (“Mr. Adams”) (collectively, “Defendants”), by counsel, in accordance with Rule 26(a)(3) of the Federal Rules of Civil Procedure and the Court’s Scheduling Order entered on December 3, 2018 (Dkt. 88), hereby provide the following information regarding evidence that they may present at trial other than solely for impeachment or rebuttal purposes.

I. WITNESSES

Pursuant to Fed R. Civ. P. 26(a)(3)(A)(i), Defendants expect to present the following witnesses at trial:

A. **Cameron Quinn**, Former General Registrar, Fairfax County, at
Department of Homeland Security, 650 Massachusetts Avenue, N.W., Washington, D.C.
20001, regarding the experience of Fairfax County with efforts to ensure election
integrity;

B. **Hans von Spakovsky**, Former Fairfax County Electoral Board Member, at The Heritage Foundation, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002 regarding state and local guidelines concerning voter registration and voter roll maintenance; the systems, processes, and documents used in maintaining and managing voter registration information and other election data; and the experience of Fairfax County with efforts to ensure election integrity;

C. **Clara Belle Wheeler**, Former Vice Chairwoman of the Virginia State Board of Elections, 1100 Bank Street, First Floor, Richmond, Virginia 23219, regarding the laws, policies, and procedures governing Virginia elections; state and local guidelines concerning voter registration and voter roll maintenance; the systems, processes, and documents used in maintaining and managing voter registration information and other election data; communications with Defendants and their representatives concerning the official records requested and produced by Virginia election officials;

D. **Don Palmer**, former Secretary of the Virginia State Board of Elections, at Bipartisan Policy Center, 1225 Eye Street, N.W., Suite 1000, Washington, D.C. 20005, regarding the laws, policies, and procedures governing Virginia elections; state and local guidelines concerning voter registration and voter roll maintenance; the systems, processes, and documents used in maintaining and managing voter registration information and other election data

E. Current and former officials at the Virginia Department of Elections, 1100 Bank Street, First Floor, Richmond, Virginia 23219—namely, **Edgardo Cortés, Arielle Schneider, Matthew Sears, and Chris Piper**—regarding the laws, policies, and procedures governing Virginia elections; state and local guidelines concerning voter

registration and voter roll maintenance; the systems, processes, and documents used in maintaining and managing voter registration information and other election data; communications with Defendants and their representatives, VVA, and/or Reagan George concerning the official records requested and produced by Virginia election officials; communications with Defendants, VVA, and/or Reagan George concerning the Alien Invasion Reports;

F. Volunteers who assisted PILF in gathering data for use in the Reports, namely **Steven Albertson**, at Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, N.W., Washington, D.C. 20005, Tel: 202-371-7112, Email: steven.albertson@skadden.com, and **Catherine Trauernicht**, 7707 Crossover Drive McLean, Virginia 22102 (Email: cwtrau@verizon.net);

G. Public Interest Legal Foundation officers and employees who were involved in the research, data collection, writing, publication, and promotion of the Alien Invasion Reports; research, studies, analysis and public statements regarding the Reports, non-citizen voting or voter fraud; communications with Virginia election officials concerning the government records appended to the Alien Invasion Reports—namely, **J. Christian Adams**, **Noel Johnson**, and **Kaylan Phillips**; and

H. **J. Kenneth Blackwell**, International Foundation for Electoral Systems, 2011 Crystal Drive, Arlington, Virginia 22202, as an expert witness on the subjects addressed in his expert report and as a fact witness regarding (1) his efforts to publicize the *Alien Invasion II* report, as evidenced by Blackwell Deposition Exhibits 6, 7, 8, and 9 introduced by Plaintiffs' counsel on May 7, 2019; (2) and his preparation of Blackwell Deposition Exhibit 10 in response to defamatory statements about him that were published

following his appointment to the Presidential Advisory Commission on Electoral Integrity—as evidenced by, *inter alia*, the publication of the Brennan Center for Justice graphic entitled “President Trump’s Four Horsemen of Voter Suppression” that was part of Exhibit 42 to the Levitt deposition and the deposition testimony of Plaintiffs’ non-testifying expert Justin Levitt (Levitt Tr. 160:3-161:8, 182:16-20).

II. WITNESS TESTIMONY BY DEPOSITION

Pursuant to Fed R. Civ. P. 26(a)(3)(A)(ii), Defendants expect to present the testimony of the following witnesses by deposition (designations attached as Exhibit 1):

- A. Justin M. Levitt witness;
- B. LULAC-Richmond President/Rule 30(b)(6) witness Vilma Seymour;
- C. Eliud Bonilla;
- D. Luciania Freeman;
- E. Abby Jo Gearhart;
- F. Jeanne Rosen;
- G. Edgardo Cortes, individually and in his capacity as Virginia Department of Elections Rule 30(b)(6) witness;
- H. Virginia Department of Elections Rule 30(b)(6) witnesses Arielle Schneider, Matt Sears, and Chris Piper; and
- I. Clara Belle Wheeler.

III. IDENTIFICATION OF DOCUMENTS OR OTHER EXHIBITS

Pursuant to Fed R. Civ. P. 26(a)(3)(A)(iii), Defendants expect to offer some or all of the exhibits identified on the list attached as Exhibit 2. In addition to the listed exhibits, Defendants

reserve the right to offer:

- A. any exhibit listed by Plaintiffs;
- B. any document that has not yet been produced by Plaintiffs or third parties;
- C. any demonstrative or summary exhibit based on trial evidence that Defendants may determine to be useful to the Court or finder of fact; and/or
- D. any excerpt from a larger exhibit that Defendants may determine to be useful to the Court.

Dated: May 17, 2019

Respectfully submitted,

PUBLIC INTEREST LEGAL FOUNDATION
and J. CHRISTIAN ADAMS

By /s/ Michael J. Lockerby
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2019, I filed the foregoing DEFENDANTS' FED. R. CIV. P. 26(a)(3) DISCLOSURES with the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

/s/ Michael J. Lockerby

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